

Grant M. Sumsion (06445)  
Daniel L. Steele (06336)  
**SUMSION STEELE & CRANDALL, P.C.**  
3400 N. Ashton Blvd. Suite 490  
Lehi UT 84043  
Telephone: (801) 426-6888  
e-mail: [grant@sumsionsteele.com](mailto:grant@sumsionsteele.com)  
[dan@sumsionsteele.com](mailto:dan@sumsionsteele.com)

*Attorneys for Plaintiff*

---

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

<p>INTELLIGENT PAYMENTS, LLC</p> <p>Plaintiff,</p> <p>vs.</p> <p>REVPROTECT, INC. aka REVPROTECT, LLC, a Utah corporation; JASON TAYLOR, an individual; JANA TAYLOR, and individual; and DOES 1-10, inclusive,</p> <p>Defendants.</p>	<p><b>MEMORANDUM REGARDING SERVICE OF PROCESS</b></p> <p>Civil No.: 2:15-cv-00410-DBP</p> <p>Magistrate Judge: Dustin B. Pead</p>
---	---

Pursuant to the Court's request in its docket entry dated September 19, 2016, Plaintiff submits this memorandum regarding service of process on Defendants, including Defendants JASON TAYLOR, JANA TAYLOR, and REVPROTECT, INC. aka REVPROTECT, LLC.

Plaintiffs filed their original Complaint in this matter on June 10, 2015 (ECF 2). The named Defendants in the original Complaint were RevProtect, LLC, Jason Taylor, and Jana

Taylor. Those original Defendants were served with summonses and copies of the Complaint on October 12, 2016 (ECF Nos. 7-9.)

Pursuant to this Court's order (ECF 12) Plaintiffs filed their Amended Complaint on June 17, 2016. As in the original Complaint, Jason Taylor and Jana Taylor were named as Defendants. The Amended Complaint, however, named RevProtect, Inc. aka RevProtect, LLC as a Defendant instead of naming RevProtect, LLC. By the time Plaintiffs filed the Amended Complaint they had discovered that RevProtect, LLC did not exist as an entity separate and apart from Jason Taylor, Jana Taylor, and RevProtect, Inc. (*See*, Amended Complaint, ECF 13, at ¶¶ 8, 12-14.) The Amended Complaint also included new claims for relief against all Defendants. Because of this, as required by Rule 5(a)(2), Plaintiff caused the Amended Complaint to be served by the Constable in the manner required by Rule 4.

On June 21, 2016 Jana Taylor was served with a copy of the Amended Complaint at her home located at 6265 W 10220 N, Highland, Utah by leaving it with her son, Jackson Taylor, a person determined by Deputy Valdez of the Utah County Constable's office to be a person of suitable age and discretion. (*See*, Constable's Proof of Service on Jana Taylor, a true and correct copy of which is attached hereto as Exhibit A.) On the same date, Jason Taylor was served with a copy of the Amended Complaint at the same address, which is also his home, by leaving it with the same son, Jackson Taylor. (*See*, Constable's Proof of Service on Jason Taylor, a true and correct copy of which is attached hereto as Exhibit B.)

The copies of the Amended Complaint served upon Jason Taylor and Jana Taylor were accompanied by copies of summonses. However, upon reviewing the file to prepare this

memorandum, the undersigned discovered that the versions of the summonses that were sent to the constable were not issued by the Clerk of the Court.

With respect to the Taylors this defect is immaterial because the Rules of Civil Procedure did not require service of a new summons upon them. The Taylors were previously properly served with validly issued summonses with the original Complaint. Rule 5(a)(2) requires that “a pleading that asserts a new claim for relief against” “a party who is in default for failing to appear,” “must be served on that party under Rule 4.” Rule 5(a)(2) does not require the issuance of a new summons and does not require service of a new summons upon the party in default. It does require personal service of the amended pleading and this was accomplished.

RevProtect, Inc., however, is a new party to this action. Service upon RevProtect was accomplished in the same manner as upon the Taylors, also with a copy of a summons that had not been issued by the Clerk. Having reviewed the file and determined that the summons as to RevProtect, Inc. was not issued, the undersigned believes that RevProtect, Inc. has not been properly served at this time.

DATED this 26<sup>th</sup> day of September, 2016.

SUMSION STEELE & CRANDALL

/s/ Grant M. Sumsion

Grant M. Sumsion  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I certify that on this 26<sup>th</sup> day of September, 2016, a true and correct copy of the foregoing **MEMORANDUM REGARDING SERVICE OF PROCESS** was served upon the following persons in the manner indicated:

Jana Taylor 6265 W. 10220 N. Highland, UT 84003	<input type="checkbox"/> Hand-Delivery <input checked="" type="checkbox"/> U.S. Mail, First Class, Postage Prepaid <input type="checkbox"/> E-mail <input type="checkbox"/> Electronic Filing
Jason Taylor 6265 W. 10220 N. Highland, UT 84003	<input type="checkbox"/> Hand-Delivery <input checked="" type="checkbox"/> U.S. Mail, First Class, Postage Prepaid <input type="checkbox"/> E-mail <input type="checkbox"/> Electronic Filing
RevProtect, LLC 6265 W. 10220 N. Highland, UT 84003	<input type="checkbox"/> Hand-Delivery <input checked="" type="checkbox"/> U.S. Mail, First Class, Postage Prepaid <input type="checkbox"/> E-mail <input type="checkbox"/> Electronic Filing

/s/ Holly S. Lovelace

# **EXHIBIT A**

16172.13

CONSTABLE'S  
PROOF OF SERVICE

PLAINTIFF: INTELLIGENT PAYMENTS LLC

CASE: 2:15-CV-00410-DBP

vs.

Court Date:

DEFENDANT: JANA TAYLOR

PROCESS:

SUMMONS IN A CIVIL ACTION / AMENDED COMPLAINT / EXHIBIT A

THE UNDERSIGNED PERSON HEREBY CERTIFIES:

- 1) I served this process in the manner indicated below.
- 2) I was at the time of this service a duly qualified and acting peace officer or a person over the age of 18 years.
- 3) I am not a party to this action.
- 4) I endorsed the date, and printed my name as required by UCA 17-25-6.

I served: JANA TAYLOR

Date Served: 6/21/2016, AT 20:23 HOURS

Address of Service: 6265 W 10220 N , Highland

(X ) I left a copy of the process at the dwelling house or usual place of abode of  
JANA TAYLOR  
with JACKSON TAYLOR, SON

a person of suitable age and discretion there residing.

Pursuant to 78b-5-705: I certify under criminal penalty of the State of Utah that the foregoing is true and correct.

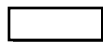
Service \$20.00

/S/

Mileage 6/21/2016



TOTAL \$ \$20.00



DEPUTY VALDEZ #708  
Constable / Deputy / Private Investigator / Server  
40 N 100 E, PROVO, UT 84606

16172.13 SUMSION GM

# **EXHIBIT B**

16172.12

CONSTABLE' S  
PROOF OF SERVICE

PLAINTIFF: INTELLIGENT PAYMENTS LLC

CASE: 2:15-CV-00410-DBP

vs.

Court Date:

DEFENDANT: JASON TAYLOR

PROCESS:

SUMMONS IN A CIVIL ACTION / AMENDED COMPLAINT / EXHIBIT A

## THE UNDERSIGNED PERSON HEREBY CERTIFIES:

- 1) I served this process in the manner indicated below.
- 2) I was at the time of this service a duly qualified and acting peace officer or a person over the age of 18 years.
- 3) I am not a party to this action.
- 4) I endorsed the date, and printed my name as required by UCA 17-25-6.

I served: JASON TAYLOR

Date Served: 6/21/2016, AT 20:22 HOURS

Address of Service: 6265 W 10220 N , Highland

(X ) I left a copy of the process at the dwelling house or usual place of abode of  
JASON TAYLOR  
with JACKSON TAYLOR, SON

a person of suitable age and discretion there residing.

Pursuant to 78b-5-705: I certify under criminal penalty of the State of Utah that the foregoing is true and correct.

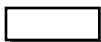
Service \$20.00

/S/

Mileage 6/21/2016  
1X \$45.00



TOTAL \$ \$65.00



DEPUTY VALDEZ #708  
Constable / Deputy / Private Investigator / Server  
40 N 100 E, PROVO, UT 84606

16172.12 SUMSION GM